



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

Minutes of the June 9, 2004 meeting of the
Commission on Governmental Ethics and Election Practices
held in the Commission's Meeting Room,
PUC Building, 242 State Street, Augusta, Maine

Present: Andrew Ketterer (Chair pro tempore); Hon. Terrence MacTaggart; Hon. A. Mavourneen Thompson. Staff: Executive Director Jonathan Wayne; Counsel Phyllis Gardiner; Lobbyist Registrar Diana True.

At 10:0 a.m., Chair Ketterer convened the meeting. The Commission considered the following items:

Agenda Item #1 – Ratification of Draft Minutes of May 26, 2004 Meeting

Dr. MacTaggart moved, Ms. Thompson seconded, and the members voted unanimously to adopt the draft minutes of the May 26, 2004 meeting.

Agenda Item #2 - Richard Tetrev/Violation of Maine Clean Election Act

Richard Tetrev is a Maine Clean Election Act candidate for the House of Representatives in District 65 (Woolwich). He was unopposed in the Republican primary election. In order to obtain the best price, he purchased 250 signs at a cost of \$898. He used his entire primary election payment of \$456 and lent the campaign \$442, intending that the campaign would reimburse him when it received the MCEA funds for the general election. The candidate made a presentation to the Commission. He stated that he did not understand that his loan constituted a contribution and was prohibited under the MCEA. In order to mitigate the issue, he used only ½ of the signs that were ordered.

Dr. MacTaggart moved, Ms. Thompson seconded, and the members voted unanimously to find Mr. Tetrev in violation of the Maine Clean Election Act but not to assess any civil penalty.

Agenda Item #3 – Participation in the Maine Clean Election Act by Successful Write-In Candidate

Julie Sawtelle sought the Green Independent nomination for House District 80 by running in the June 8 primary election as a write-in candidate. In her presentation, she stated that she did not receive the 50 write-in votes needed to become the Green Independent nominee. She stated that she understood that she could not participate as the Maine Clean

Election Act candidate in the general election, as she had previously asked the Commission.

Bonnie Post of the Knox County Democratic Committee and Marian Swan addressed the Commission. Ms. Post stated that Ms. Swan was a write-in candidate for the Democratic Party nomination in Senate District #22. After Denis Black withdrew from the Democratic primary election race, there was no other candidate on the Democratic primary ballot in that district. Ms. Swan said that she received more than the 200 votes necessary to become the Democratic Party nominee. She requested that she be permitted to run as a Maine Clean Election Act candidate in the general election.

Benjamin Grant of the Senate Democratic Caucus stated that gaining 200 votes as a write-in candidate is a legitimate means of becoming a party nominee for State Senate, and that it would be ironic if Ms. Swan was not permitted to participate in the Maine Clean Election Act when the Commission allows replacement candidates.

The Commission members discussed with the Commission Counsel and Director whether the Maine Clean Election Act would permit Ms. Swan to participate. The Commission staff explained that the statute does not explicitly allow a successful primary election candidate to participate in the MCEA in the general election, but it does authorize the Commission to pass rules regarding participation by replacement candidates. The Commission's rule permits a replacement candidate to participate if another candidate withdraws, dies, or is disqualified. The Commission Counsel commented that the facts in this situation make it easier for the Commission to permit Ms. Swan to participate because the original nominee Denis Black had withdrawn from the ballot.

Dr. MacTaggart moved, Ms. Thompson seconded, and the members voted unanimously to treat Ms. Swan as a replacement candidate and to allow her to participate in the Maine Clean Election Act. After discussing the appropriate time period in which Ms. Swan could collect the 50 qualifying contributions, the Commission members decided on a 30-day period beginning when the Secretary of State certified the election results.

Agenda Item #4 – Policy on Requesting Information that is Omitted from Campaign Finance Reports

The Commission members confirmed the policy discussed preliminarily at the March 11 meeting regarding required information that some candidates omit from the campaign finance reports. The Commission members authorized the staff to follow the procedure that is set forth in Chapter 1, Section 3(2) of the Commission Rules: sending a follow-up letter to the candidate who has filed the incomplete report, and, if the omission is not corrected within 15 days, placing the incomplete report on the agenda of the next meeting of the Commission.

At 11:10, there being no further business, the Commission adjourned.

Dated: August __, 2004

Respectfully submitted,

Jonathan Wayne
Executive Director